

Message Text

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ACTION ARA-06

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 9984

C O N F I D E N T I A L SAN JOSE 1633

LIMDIS

E.O. 11652: GDS

TAGS: EGEN, CS

SUBJECT: VESCO: POSSIBLE RENUNCIATION OF U.S. CITIZENSHIP

REF: STATE 93078

1. EMBASSY WOULD APPRECIATE CLARIFICATION AND FURTHER GUIDANCE AS APPROPRIATE ON VERY UNUSUAL QUESTION RAISED PARA THREE REFTEL.
2. SPECIFICALLY, EMBASSY IS NOT CLEAR WHETHER IT HAS LEGAL RIGHT TO ARREST AND DETAIN AN AMERICAN CITIZEN ON EMBASSY PREMISES UNDER ANY CIRCUMSTANCES. ARE WE A LAW ENFORCEMENT AGENCY FOR THIS PURPOSE? IF THE ANSWER IS YES, WE NONETHELESS FAIL TO SEE HOW WE OR ANY OTHER U.S. AUTHORITY COULD GET VESCO FROM THE EMBASSY TO AN AIRPLANE OR OTHER CONVEYANCE TO TAKE HIM OUT OF THE COUNTRY. FURTHERMORE THIS WOULD SEEM TO BE A CLEAR VIOLATION OF COSTA RICAN SOVEREIGNTY CONSEQUENCES OF WHICH WOULD SERIOUSLY PREJUDICE POSITION OF EMBASSY AND USG IN THIS COUNTRY.
3. IF INSTEAD ASSUMED PROCEDURE IN PROPOSED SCENARIO WOULD BE FOR EMBASSY TO CALL ON GOCR TO SEIZE VESCO AND TO HOLD HIM PENDING EITHER EXTRADITION REQUEST OR DEPORTATION, DEPARTMENT WILL RECALL THAT COSTA RICAN COURTS REFUSED TO ORDER PROVISIONAL ARREST OF VESCO IN OUR PREVIOUS EXTRADITION ATTEMPT PENDING PRESENTATION OF OUR
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DOCUMENTS AND ESTABLISHMENT OF PRIMA FACIE CASE.

DEPARTMENT WILL ALSO RECALL THAT MORE RECENTLY PRESIDENT ODUBER SPECIFICALLY REFUSED TO DEPORT VESCO AS REQUESTED BY A GROUP OF PROMINENT CITIZENS. NO REASON TO BELIEVE GOCR WOULD COOPERATE ANY MORE IN THESE CIRCUMSTANCES.

4. IN SUM, IF DEPT BELIEVES EMBASSY SHOULD HAVE CONTINGENCY PLAN FOR DETAINING VESCO IN UNLIKELY CIRCUMSTANCE OF HIS APPEARANCE HERE, WOULD APPRECIATE KNOWING LEGAL JUSTIFICATION AND PROPOSED CONTENTS OF SUCH A PLAN.
TODMAN

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